



COVID-19 OSHA and Workplace Protection



SAFETY PLANNING AND WORKER PROTECTIONS

The outbreak of the coronavirus disease 2019 (COVID-19) creates workplace safety questions, pandemic planning needs and compliance challenges for employers. Use the resources below as you monitor COVID-19 and its impact on your employees and business.

OSHA STANDARDS & COVID-19

To help employers deal with the outbreak of COVID-19, the Occupational Safety and Health Administration (OSHA) has developed a [COVID-19 resource page](#).

While there is no specific OSHA standard covering COVID-19 at this time, OSHA highlighted the following standards for employers to consider in preventing occupational exposure:

- + The General Duty Clause**
Requires employers to provide a workplace that is free from recognized hazards that are causing or likely to cause death or serious physical harm. [Learn more](#)
- + Personal Protective Equipment Standards**
This standard requires the use of gloves, eye and face protection, and respiratory protection to prevent identified hazards. Respiratory protection requires comprehensive training to meet the Respiratory Protection standard. [Learn more](#)
- + Recordkeeping Requirements**
While 29 CFR 1904.5(b)(2)(viii) exempts recording of the common cold and flu, COVID-19 is a recordable illness when a worker is infected on the job. [Learn more](#)

On OSHA's resource page, [additional standards](#) that may apply are outlined, including protecting workers from exposure to hazardous chemicals used for cleaning and disinfection.

Additionally, there are twenty-eight [OSHA-approved State Plans](#), operating statewide occupational safety and health programs. State Plans are required to have standards and enforcement programs that are at least as effective as OSHA's and may have different or more stringent requirements. Some of these state standards may create additional compliance requirements related to COVID-19.

HAYS COMPANIES

Covered Topics

Safety Planning and Worker Protections

OSHA Standards and COVID-19

COVID-19 as a Recordable Illness

Updated Guidance from OSHA

Temperature Testing Employees

Protecting Your Workforce

Taking Action

Encourage Education

Support from Hays



Finally, [Section 11\(c\)](#) of the [Occupational Safety and Health Act of 1970](#), 29 USC 660(c), prohibits employers from retaliating against workers for raising concerns about safety and health conditions. Employers should keep these requirements in mind if an employee raises concerns about COVID-19.



COVID-19 AS A RECORDABLE ILLNESS

OSHA's website states:

COVID-19 can be a recordable illness if a worker is infected as a result of performing their work-related duties. However, employers are only responsible for recording cases of COVID-19 if all of the following are met:

1. The case is a confirmed case of COVID-19 (see [CDC information](#) on persons under investigation and presumptive positive and laboratory-confirmed cases of COVID-19);
2. The case is work-related, as defined by [29 CFR 1904.5](#); and
3. The case involves one or more of the general recording criteria set forth in [29 CFR 1904.7](#) (e.g. medical treatment beyond first-aid, days away from work).

Visit OSHA's [Injury and Illness Recordkeeping and Reporting Requirements](#) page for more information.

UPDATED GUIDANCE FROM OSHA

OSHA released updated guidance to prepare businesses for COVID-19. The guidance includes how an outbreak could affect workplaces, steps to reduce exposure, classifying worker exposure, protecting jobs at different risk levels, international resources and contact information.

+ [Guidance on Preparing Workplaces for COVID-19](#)



TEMPERATURE TESTING EMPLOYEES

While the Equal Employment Opportunity Commission (EEOC) recently updated guidance to allow employers to temperature test employees, it should still be approached with caution. Since COVID-19 has many symptoms, simply testing for fever will not eliminate the risk posed by those who are contagious and show minimal or no symptoms.

If employers decide to take the temperature of employees, it is pertinent to consider:

1. How they will keep the information confidential.
2. How to take temperatures while maintaining social distancing.
3. How to proceed if an employee refuses to have their temperature taken and their return to work policy if an employee has an elevated temperature.

This is not an exhaustive list of considerations, and each workplace will need to evaluate if this is an appropriate action.

+ [SHRM Overview of EEOC Coronavirus Temperature Testing](#)
+ [EEOC, Coronavirus and ADA](#)



PROTECTING YOUR WORKFORCE

As concerns continue to rise, many employers are left wondering what they can do to protect their workforce.

Everyone can do their part to respond to this evolving public health risk. In order to help employers plan and respond to COVID-19, the CDC has issued [interim guidance](#). The CDC recommendations include:

- + **Actively encourage sick employees to stay home**
Employees who have symptoms of acute respiratory illness are recommended to stay home and not come to work until the criteria to discontinue home isolation are met, in consultation with healthcare providers and state and local health departments.
- + **Emphasize hand hygiene**
Instruct employees to clean their hands often with an alcohol-based hand sanitizer that contains at least 60%-95% alcohol or wash their hands with soap and water for at least 20 seconds. Soap and water should be used preferentially if hands are visibly dirty.
- + **Perform routine environmental cleaning**
Employers should routinely clean all frequently touched surfaces in the workplace, such as workstations, countertops and doorknobs.



TAKING ACTION

In addition to following the CDC's interim guidance, employers should consider the following for pandemic planning.

- + Appoint a single individual or department as the point of contact within your organization for employee questions about COVID-19.
- + Review and update business continuity plans, safety programs and emergency action plans to ensure that they include infectious-disease protocols.
- + Cross-train staff to cover critical job functions and positions.
- + Develop a plan for absent workers and how to track reported absences related to COVID-19.
- + Plan for continued social distancing, including remote work, staggered shifts, increase space between employees and keeping meetings to online.
- + Review the process to decide if a company event will be canceled or postponed.
- + Identify how a local pandemic will affect your workplace, including long-term school closings.
- + Identify a space for employees if they become sick and cannot leave work immediately.
- + Implement travel guidelines and procedures for approving travel.
- + Evaluate the need for a temporary telework or flexible sick leave policy.
- + Educate employees on the signs and symptoms of COVID-19 and the precautions that can be taken to minimize the risk of contracting the virus, without causing panic.
- + Use trusted sources, like the [CDC](#) and the WHO's [myth-busting page](#), to prevent the spread of misinformation.



ENCOURAGE EDUCATION

As you actively prepare your business for interruptions, equip your employees with accurate information. The following sources offer updated information:

- + CDC coronavirus disease 2019 resource page ([learn more](#))
- + WHO coronavirus disease 2019 resource page ([learn more](#))
- + WHO myth busters for COVID-19 ([learn more](#))
- + Interactive map of global COVID-19 cases, including how many people have recovered ([learn more](#))

A reminder that common coronaviruses typically cause mild to moderate upper-respiratory tract illness, and those affected exhibit cold-like symptoms. The most common symptoms include:

- + Headache
- + Sore throat
- + Cough
- + Runny nose
- + Fever
- + Malaise
- + Shortness of breath

According to the Center for Infectious Disease Research and Policy at the University of Minnesota, the fatality rate is very low. However, there is an increased risk for older populations and those with underlying health conditions. Proactively follow all hygiene and personal care recommendations to help decrease the spread of illness and protect higher-risk individuals.



HAYS IS HERE TO SUPPORT YOU

Hays is actively monitoring COVID-19 and will continually share new information as it becomes available.

As COVID-19 continues to evolve, please feel free to contact the Hays team at info@hayscompanies.com or your service team with any questions.

Please be advised that any and all information, comments, analysis, and/or recommendations set forth above relative to the possible impact of COVID-19 on potential insurance coverage or other policy implications are intended solely for informational purposes and should not be relied upon as legal advice. As an insurance broker, we have no authority to make coverage decisions as that ability rests solely with the issuing carrier. Therefore, all claims should be submitted to the carrier for evaluation. The positions expressed herein are opinions only and are not to be construed as any form of guarantee or warranty. Finally, given the extremely dynamic and rapidly evolving COVID-19 situation, comments above do not take into account any applicable pending or future legislation introduced with the intent to override, alter or amend current policy language.